

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

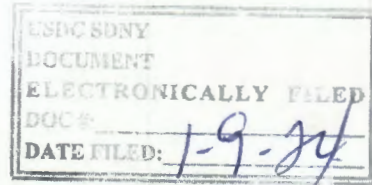
XERIAN, INC.,

Plaintiff,

v.

AUCTUS FUND, LLC,

Defendant.



No. 1:23-cv-9200-LAK

Oral Argument Requested

**NOTICE OF DEFENDANT AUCTUS FUND LLC'S
MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the Memorandum of Law, dated December 22, 2023, and the accompanying Declaration of M. Jonathan Seibald, dated December 22, 2023, together with the exhibits thereto, Defendant Auctus Fund, LLC, by and through its undersigned counsel, move this Court before the Honorable Lewis A. Kaplan, United States District Judge, in Courtroom 21B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007, on a date and time to be determined by the Court, to dismiss with prejudice the Complaint in this action under Federal Rule of Civil Procedure 12(b)(6).

*Motion granted. Case
dismissed. Clerk shall
close the case.*

SO ORDERED

Lewis A. Kaplan
LEWIS A. KAPLAN, USDJ

1/9/24